

Senator Harrison offered the following amendment:

Strike out all after the word "trial," in line 7.

(Senator Randolph in the chair.)

Senator Stinson moved the previous question on amendment and bill.

Motion seconded and withdrawn.

Senator Calhoun moved the previous question on pending bill, Senate bill No. 14.

The motion was seconded, and

The Senate refused to order the main question by the following vote:

YEAS—10.

Bell,	Johnson,	Pfeuffer,
Calhoun,	Knittel,	Stinson,
Fowler,	Perry,	Traylor,
Getzendaner,		

NAYS—12.

Davis,	Harrison,	Kilgore,
Farrar,	Houston of Bexar,	Peacock,
Garrison,	Houston of Wheeler,	Randolph,
Glasscock,	Jones,	Woods.

(The President in the chair.)

Senator Fowler moved the previous question on the amendments and the bill.

Motion seconded, and

The main question ordered by the following vote:

YEAS—18.

Bell,	Glasscock,	Knittel,
Calhoun,	Harrison,	Perry,
Farrar,	Houston of Bexar,	Pfeuffer,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—4.

Davis,	Peacock,	Randolph.
Houston of Wheeler,		

The amendment of Senator Harrison was lost by the following vote:

YEAS—10.

Davis,	Houston of Bexar,	Kilgore,
Douglass,	Houston of Wheeler,	Peacock,
Garrison,	Jones,	Randolph.
Harrison,		

NAYS—13.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Johnson,	Stinson,
Farrar,	Knittel,	Traylor,
Fowler,	Perry,	Woods.
Getzendaner,		

Senator Peacock offered the following amendment:

Amend the bill by striking out all after the word "jury," in line 9.

Lost by the following vote:

YEAS—10.

Davis,	Houston of Bexar,	Kilgore,
Douglass,	Houston of Wheeler,	Peacock,
Harrison,	Jones,	Randolph.
Harrison,		

NAYS—13.

Bell,	Glasscock,	Pfeuffer,
Calhoun,	Johnson,	Stinson,
Farrar,	Knittel,	Traylor,
Fowler,	Perry,	Woods.
Getzendaner,		

The bill passed by the following vote:

YEAS—12.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Farrar,	Johnson,	Stinson,
Fowler,	Knittel,	Traylor.

NAYS—11.

Davis,	Houston of Bexar,	Peacock,
Douglass,	Houston of Wheeler,	Randolph,
Garrison,	Jones,	Woods.
Harrison,	Kilgore,	

Senator Pfeuffer moved to reconsider the vote just cast, and to lay that motion on the table,

Adopted, and

The reconsideration was tabled by the following vote:

YEAS—12.

Bell,	Getzendaner,	Perry,
Calhoun,	Glasscock,	Pfeuffer,
Farrar,	Johnson,	Stinson,
Fowler,	Knittel,	Traylor.

NAYS—11.

Davis,	Houston of Bexar,	Peacock,
Douglass,	Houston of Wheeler,	Randolph,
Garrison,	Jones,	Woods.
Harrison,	Kilgore,	

The President gave notice of the resignation of Byron Drew and the appointment of Monroe Drew as Postmaster.

On motion of Senator Fowler,

The Senate adjourned till ten o'clock to-morrow morning.

TWENTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, February 5, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

Senator Peacock desired to have the journal corrected to show that Judiciary Committee No. 1 reported Senate bill No. 9 back with the recommendation that it do *not* pass; that the Committee on State Affairs amended joint resolution No. 3, "as soon as practicable," and not "possible;" that the Committee on State Affairs reported on Senate bill No. 147, and not Senate bill No. 140; that on Senator Stinson's motion Senators Camp, Evans, Pope and Terrell were excused till Monday next, and not merely excused; that the message from the House reported the passage by that body of House bill No. 278, and not Senate bill No. 278.

Senator Traylor wanted the journal corrected to show that after the Senate had been declared with a quorum present, he had Senate bill No. 123, "An act to provide for the collection of taxes, and the

prompt settlement of same," taken up and made special order for Thursday, February 5, after the first special order after the morning call.

REPORTS OF STANDING COMMITTEES.

By Senator Peacock.

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 145, entitled "An act to provide for reservation, classification, disposition and working of minerals and mines in the State of Texas, and to repeal all laws and parts of laws in conflict therewith," have carefully examined the same, and instruct me to report the same back with the recommendation that fifty copies of said bill be printed for the use of the committee.

All of which is respectfully submitted.

PEACOCK, Chairman.

On motion of Senator Peacock, fifty copies of the bill was ordered printed.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 61, being "An act to protect stockraisers, providing for the destruction of wolves," etc., and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 48, being "An act to prevent parties from hunting, fishing or gathering pecans, plums, grapes or any other wild or cultivated fruits upon the enclosed lands of another, and to prescribe a penalty therefor," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

REPORTS OF SPECIAL COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned members of your committee to whom was referred Senate bill No. 100, entitled "A bill to be entitled an act to repeal an act entitled 'an act to provide annual pensions for the surviving soldiers or volunteers of the Texas revolution, and the surviving signers of the Declaration of the Independence of Texas, and the surviving widows of such soldiers or volunteers and signers,' approved March 28, 1883," have carefully examined the same, and we respectfully recommend that the bill presented herewith, be substituted for the said bill and that the said substitute do pass.

Respectfully submitted.

POPE,
FOWLER.

Substitute Senate bill No. 100, "An act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence," etc.

On motion of Senator Fowler, fifty copies of the substitute were ordered printed.

BILLS AND RESOLUTIONS

By Senator Harrison:

"An act to amend and annul all locations and surveys made under and patents issued upon any land situate in the county of Greer," etc.

Referred to Committee on Public Lands.

By Senator Woods, by request:

"An act for the relief of Thomas J. Hunter and Thadeus W. Hunter and Robert H. Hunter, for stock, corn and hogs consumed or destroyed by the Texas army in 1836."

Referred to Committee on Claims and Accounts.
Senator Jones introduced the following resolution:

Resolved, That the special committee of the Senate, appointed to visit the penitentiaries, be and is hereby authorized to employ a clerk, whose compensation is to be paid out of the contingent fund of the Nineteenth Legislature, said clerk to act for the joint committee of the two houses appointed to visit the penitentiaries.

Senator Harrison offered to amend the resolution as follows:

Provided, the compensation not to be more than \$5 per day and contingent expenses.

Accepted.

Senator Peacock offered the following substitute:

Resolved by the Senate, That the President of the Senate may appoint three general committee clerks, who may be discharged by the President, when, in his judgment, their services are not longer necessary.

Lost.

The resolution of Senator Jones was adopted.

Senate bill No. 51; "An act to provide for the appointment of special clerks of the district and county courts in certain cases," was laid before the Senate as the first special order, read second time and ordered engrossed.

On motion of Senator Hall,

The constitutional rule requiring bills to be read on three several days, was suspended, and the bill put on its third reading by the following vote:

YEAS—21.

Bell,	Glasscock,	Kilgore,
Calhoun,	Hall,	Knittel,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Randolph,
Farrar,	Houston of Wheeler,	Stinson,
Garrison,	Johnson,	Traylor,
Getzendaner,	Jones,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Fowler, Jerdone, Pfeuffer.

The bill was read third time and passed by the following vote:

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone.

Senator Davis moved to suspend the consideration of the second special order (Senate bill No. 122) and take up out of its regular order House bill No. 183, 'An act to amend article 75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the Eighteenth Legislature,' etc.

Adopted, and
The bill taken up and passed to third reading.
On motion of Senator Davis,
The constitutional rule was suspended, and
The bill ordered read third time, by the following vote:

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—none

ABSENT, NOT VOTING.

Jerdone.

The bill was read third time, and passed by the following vote:

YEAS—24.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Perry,
Douglass,	Houston of Bexar,	Pfeuffer,
Farrar,	Houston of Wheeler,	Randolph,
Fowler,	Johnson,	Stinson,
Garrison,	Jones,	Traylor,
Getzendaner,	Kilgore,	Woods.

NAYS—none.

ABSENT, NOT VOTING.

Jerdone.

House bill No. 15, "An act to amend sections 4 and 16 of 'an act for the protection of the wool-growing interests of the State of Texas,' etc." was laid before the Senate in its regular and passed.

On motion of Senator Houston of Bexar,

The special order was suspended, and

Senate bill No. 150, "An act to amend sections 9 and 10 of 'an act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds,' " was taken up and ordered engrossed.

Senator Houston of Bexar, moved to reconsider the vote ordering the engrossment of the bill,

Adopted, and the vote reconsidered.

Senator Houston of Bexar, offered the following amendment:

The fact that this act should take effect before the first day of March, 1885, in order to avoid forfeitures which otherwise might be taken at that time, creates an emergency and imperative public necessity that the rules requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage.

Adopted, and the bill ordered engrossed.

Senator Houston of Bexar, moved to suspend the rule and place the bill on its third reading.

Adopted by the following vote:

YEAS—22.

Bell,	Glasscock,	Knittel,
Calhoun,	Hall,	Perry,
Davis,	Houston of Bexar,	Pfeuffer,
Douglass,	Houston of Wheeler,	Randolph,
Farrar,	Johnson,	Stinson,
Fowler,	Jones,	Traylor,
Garrison,	Kilgore,	Woods.
Getzendaner,		

NAYS—1.

Harrison.

ABSENT, NOT VOTING.

Jerdone,

Peacock.

By leave,
Senator Pfeuffer offered the following committee reports:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was reserred Senate bill No. 119, entitled "An act to create the office of county superintendent and to define their duties and powers, and to repeal all laws in conflict with this act," have carefully examined the same, and instruct me to report the same back with the recommendation that the same be laid upon the table, as the subject matter therein is contained in Senate bill No. 142, reported back with amendments for consideration of the Senate.

All of which is respectfully submitted.

PFEUFFER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 142, entitled "An act to amend sections Nos. 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3 title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1884; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act, and the original act of which it is amendatory," have carefully examined the same, and instruct me to report the same back, with the recommendation that the following amendments be made thereto, and that the original bill and amendments herewith submitted be considered in committee of the whole:

Section 2, line 15, after the word "schools," strike out all the balance of the section, and in lieu thereof insert the following: "But from the distributive share of each county shall be deducted and retained the salary or fees of the county superintendent, or the county judge of such county, as the case may be."

Section 29, pages 4 and 5, strike out all of said section.

Section 30, pages 5 and 6, strike out all of said section.

Section 33, pages 6 and 7, line 2, after the word "residence," insert the words "and unmarried woman over 21 years of age." Line 23, after the words "first day of," strike out the words "October of each year" and insert the words "of March of the same year preceding that election." Line 26, after the word "act," strike out the words "as to the taxes of the year in which the election may be held, and the next preceding year."

Section 36, page 7, line 12, after the word "officers," insert "and all unmarried tax-paying women over 21 years of age." Lines 16 and 17, after the word "on," strike out "motion of a parent or guardian of a child within the scholastic age" and insert in lieu thereof "on complaint of five patrons of the school."

Section 38, page 8, line 10, after the word "voters," insert "and unmarried resident tax-paying woman 21 years of age."

Section 48, page 15, line 16, after the word "grammar," in-

sert the words "school discipline and the methods of teaching." Lines 22 and 23, strike out the words "school discipline and the methods of teaching."

All of which is respectfully submitted.

PFEUFFER, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of substitute House bills Nos. 13, 61, 64, 104 and 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed at the called session of the Eighteenth Legislature."

A. D. SADLER,
Chief Clerk House.

The President referred the bill reported in the House message to Committee on Education.

Senate bill No. 150, was read third time and passed by the following vote:

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Perry.
Davis,	Houston of Bexar,	Pfeuffer,
Douglass,	Houston of Wheeler,	Randolph,
Farrar,	Johnson,	Stinson,
Fowler,	Jones,	Traylor.
Garrison,	Kilgore,	Woods.
Getzendaner,	Knittel,	

NAYS—1.

Harrison.

ABSENT, NOT VOTING,

Jerdone.

Senate bill No. 122, "An act to regulate the collection of taxes and to provide for prompt settlement by collectors," was laid before the Senate as a special order and read second time.

(Senator Jones in the chair.)

Senator Glasscock offered the following amendment:

Amend the committee amendment by adding after the word "Comptroller," in line 10, the words: "And it shall be the duty of the Comptroller to furnish to the collector of taxes a list of said delinquents at the earliest practicable time after the first day of January of each year."

Senator Woods raised the point of order that the committee amendment must first be acted upon.

The point of order was sustained, and

The amendment of Senator Glasscock went to the table to await action on the committee amendment.

The committee amendment was adopted by the following vote:

YEAS—16.

Bell,	Houston of Bexar,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Randolph,
Getzendaner,	Johnson,	Stinson,
Glasscock,	Kilgore,	Traylor,
Hall,	Peacock,	Woods.
Harrison,		

NAYS—6.

Davis,	Garrison,	Knittel,
Farrar,	Jones,	Perry.

ABSENT, NOT VOTING:

Douglass,	Fowler,	Jerdone.
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The amendment of Senator Glasscock was adopted.

The Senate refused to engross the bill by the following vote:

YEAS—12.

Bell,	Getzendaner,	Perry,
Douglass,	Glasscock,	Pfeuffer,
Farrar,	Harrison,	Traylor,
Fowler,	Kilgore,	Woods.

NAYS—12.

Calhoun,	Houston of Bexar,	Knittel,
Davis,	Houston of Wheeler,	Peacock,
Garrison,	Johnson,	Randolph,
Hall,	Jones,	Stinson.

Senator Houston of Bexar entered a motion to reconsider the vote by which the Senate refused to engross Senate bill No. 122.

Senator Hall offered the following resolution:

Resolved, That the Sergeant-at-Arms is instructed to obtain daily a sufficient quantity of ice for the use of the Senate, so that the temperature of the drinking water may be reduced below that of an emetic.

Senator Pfeuffer offered to amend the resolution as follows:

And that pure cistern water be substituted for the Austin tank and Colorado river water now furnished the Senate.

Accepted, and

The resolution as amended adopted.

House bill No. 21, "An act to amend article 677 of the Penal Code," was laid before the Senate and read third time.

(President in the chair.)

The bill passed by the following vote:

YEAS—17.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Douglass,	Houston of Wheeler,	Stinson,
Farrar,	Johnson,	Traylor,
Getzendaner,	Jones,	Woods.
Glasscock,	Knittel,	

NAYS—6.

Davis,	Garrison,	Kilgore,
Fowler,	Houston of Bexar,	Peacock.

ABSENT, NOT VOTING,

Jerdone, Randolph.

Senator Harrison, by leave, introduced the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 159, entitled "An act to amend article 575 of the Revised Statutes of the State of Texas," having considered the same, and by a majority reported said bill unfavorably, we the minority, dissenting from the views expressed in their report, beg leave to submit the following reasons why the bill should become a law:

1. The object of the bill is a good one—it prescribes the powers and duties of private corporations; it prohibits any private corporation from hereafter being created for the purpose of dealing and speculating in lands, and limits future private corporations in their right to acquire and hold lands to incidental purposes; it requires existing land corporations to dispose of all lands held by them, at the time this act takes effect, to some individual person in fee simple within five years from such date, and in like manner to dispose of all future acquisitions within five years from the date of acquisition.

2. It destroys no vested right or franchise of any private corporation, but simply seeks in a proper and legal way to regulate the exercise of those rights and franchises. This legislation we submit is necessary in order to check the rapid en

encroachments of landed corporations upon the country, and to prevent them from retarding the growth and settlement of the State, by buying our lands in large and small bodies, and holding them from the market, and from settlement for an indefinite length of time. The argument that private corporations are not paying institutions, and that capitalist have ceased seeking such investments is not sustained by the record. By reference to the recent report of the Secretary of State, it will be seen that the desire to conduct all kinds of business through the agencies of corporations remains unabated, and that private corporations are constantly increasing in number to an alarming extent.

This report shows that during 1882 only two hundred and twelve private corporations were formed, but in 1883 there were three hundred and sixty-eight formed, and 1884, exclusive of the month of December, three hundred and seventy-nine, and since that time and up to the present, forty-nine have been formed. We give these facts to show that there is reason for fear and anxiety on the part of the public. Now under our present law every private corporation, as such, has the right to acquire and hold land to a greater or lesser extent, and upon investigation it will be seen that a large proportion of the private corporations already created were created principally for the purpose of dealing in lands.

We submit that it is a self-evident truth that in a government like ours, its perpetuity and general safety depends to a great extent on the distribution, as far as possible, of its landed property among its individual citizens, and all laws which tend to defeat this end are contrary to the spirit and genius of our institutions.

We fully appreciate and recognize the vested rights of existing corporations, and do not desire to destroy a single one of them. We simply wish to regulate, by proper legislation, the exercise and enjoyment of those rights, and to this extent and no further does this bill propose to go. That the State, as a sovereign power, has this right, cannot be denied; that it is time to exercise it, we believe has been fully demonstrated by this report. We submit further, that the taxable wealth of every government supported by direct taxation is measured by the taxable values of its landed property, and just in proportion as its lands are settled upon and developed by the individual citizen, just to the same extent do the taxable values increase, and the safety and security of the government become more assured. This being true, then to this extent, if no further, the State is directly and seriously interested in its own growth and development, and in seeing the lands within its borders become the homes of its individual citizens, and the State has the right, and should remove every obstacle which rears itself to thwart or cripple this design. This position is fully sustained by the fact that the State has adopted the policy of selling the remainder of the public domain belonging to the respective funds to actual settlers exclusively, and the same causes which induced the State to adopt this policy applies with equal force as a reason why the State should require existing land corporations to place their large bodies of land upon the market for sale to the individual citizen.

In conclusion, we submit in all earnest, that unless some steps are taken to check the rapid strides of landed corporations, the growth and development of the country will not only be retarded, but it will only be a question of a short time when we will find ourselves in the same condition as was England when she was forced to pass the statutes of mortmain, to prevent the Catholic church from acquiring all the lands within her kingdom. Therefore, in the interest of the welfare and prosperity of the State and its continual growth and settlement, we do heartily recommend the passage of the above bill.

All of which is respectfully submitted.

HARRISON,
WOODS,
Minority.

Senator Houston of Bexar, by leave, introduced a bill, "An act to amend article 2219 of chapter 2, title 38 of the Revised Statutes," etc.

Referred to Judiciary Committee No. 1.

Senate bill No. 73, a bill to be entitled "An act to amend section 71 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of the State of Texas as refers to public free schools

outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed by the Eighteenth Legislature at its called session," on motion of Senator Perry, was taken up.

Senator Perry moved that substitute House bill Nos. 13, 61, 63, 104, 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools,' etc., be substituted for the pending bill.

The President ruled that the House bill could not be acted upon in the Senate until reported by the committee to whom it was referred.

Senator Perry moved that Senate bill No. 73 be made a special order for to-morrow after the special order already made, after morning call.

Adopted.

On motion of Senator Jones,

Senate bill No. 173, "An act to repeal article 4112 of the Revised Civil Statutes of the State," etc., was taken up out of its regular order and read second time.

Senator Davis moved to make it a special order for Saturday after morning call.

Adopted.

By leave, Senator Pfeuffer submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 5, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Education, to whom was referred substitute House bill for Nos. 13, 61, 64, 104 and 161, "An act to amend section 71 of 'an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' passed at the called session of the Eighteenth Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

On motion of Senator Glasscock,

Senate bill No. 136, "An act for the relief of W. J. Salyer and to validate donation warrant No. 509," was taken up out of its order and read third time and passed by the following vote:

YEAS—17.

Bell,
Calhoun,
Farrar,
Getzendaner,
Glasscock,
Hall,

Houston of Bexar, Perry,
Houston of Wheeler, Randolph,
Jones, Stinson,
Kilgore, Traylor,
Knittel, Woods,
Peacock,

NAYS—7.

Davis,
Douglass,
Fowler,

Garrison,
Harrison,

Johnson,
Randolph,

On motion of Senator Fowler,

Senate bill No. 149, "An act to amend article 2438, title 44 of the Revised Civil Statutes, etc., so as to require all reports for the use of the Legislature to be printed by the first day of December, before the assembling of the Legislature," was taken up out of its regular order, read second time and ordered engrossed.

On motion of Senator Houston of Wheeler, Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," was taken up out of its regular order and made the special order for Wednesday after the first special order after morning call.

Also Senate bill No. 165, "An act to amend articles 4185 and 4190 of the Revised Civil Statutes of the States of Texas," was taken up and made special order for Saturday after morning call.

On motion of Senator Peacock,

Senate bill No. 87, "An act to amend article 617, chapter 2 of Code of Criminal Procedure," was taken up out of its regular order, read second time and ordered engrossed.

Senate bill No. 31, "An act to regulate reservations in sales of personal property," was laid before the Senate in its regular order, on its third reading, read third time and passed.

Senate bill No. 63, "An act to provide for the investment of the permanent public school funds of the counties," was laid before the Senate.

Read third time and passed by the following vote:

YEAS—11.

Bell,	Farrar,	Hall,
Calhoun,	Garrison,	Johnson,
Davis,	Getzendaner,	Randolph.
Douglass,	Glasscock,	

NAYS—10.

Fowler,	Kilgore,	Stinson,
Harrison,	Peacock,	Traylor,
Houston of Bexar,	Perry,	Woods.
Houston of Wheeler,		

ABSENT, NOT VOTING.

Jerdone,	Knittel,	Pfeuffer.
Jones,		

Senate bill No. 132, "An act to define and punish the conversion of personal property by hirers, borrowers and other bailees," was laid before the Senate.

Read third time and passed.

Senate bill No. 141, "An act to amend articles 29 and 30 of the Penal Code of Criminal Procedure for the State of Texas," was laid before the Senate.

Read third time and passed.

House joint resolution No. 3, 'providing for the appointment of a committee to remove the remains of Col. F. W. Johnson from Aguas Calientes, Mexico, and place the same in the State cemetery in the city of Austin, Texas, and to make an appropriation therefor,' was laid before the Senate.

Read second time.

The Senate refused to pass the resolution to its third reading by the following vote:

YEAS—6.

Getzendaner,	Houston of Wheeler,	Perry,
Glasscock,	Knittel,	Randolph.

NAYS—18.

Bell,	Garrison,	Kilgore,
Calhoun,	Hall,	Peacock,
Davis,	Harrison,	Pfeuffer,
Douglass,	Houston of Bexar,	Stinson,
Farrar,	Johnson,	Traylor
Fowler,	Jones,	Woods.

Senator Getzendaner sent the following to the Secretary's desk:

We vote aye because Col. Frank W. Johnson was one of the patriots and veterans of the Texas Revolution; because he was conspicuous in the early history of the Republic, both in its councils and on the field. He was among the last of those who connected the present with those early days of the Republic, resplendent with imperishable deeds of valor.

Under general provision of the Constitution we find in section 39, "that the Legislature may from time to time make appropriations for preserving and perpetuating memorials of the history of Texas by means of monuments, statues, etc."

We hold, and we believe, that under the provision for memorials by monuments, etc., may be embraced the object of this resolution, and we believe any memorial or monument erected in memory of any one becomes the more valuable, the more inspiring to the youth of the land, and gratifying to all patriotic citizens, that under such monument or memorial does lie the ashes of the illustrious dead.

GETZENDANER,
JONES,
GLASSCOCK,
RANDOLPH.

The following reasons for voting "no" on House joint resolution No. 3, was asked to be spread on the journal:

We sincerely regret having to vote "no" upon this resolution. It commends itself to our sentiment, but the fact that it is not constitutional prevents our voting for it.

HOUSTON of Bexar,
FARRAR,
FOWLER,
KILGORE,
STINSON.

The President gave notice of signing House bill No. 183.

Senator Jones moved to reconsider vote by which House joint resolution No. 3 was lost.

Senator Davis moved to lay that motion on the table.

Adopted, and

The motion was tabled.

On motion of Senator Bell, a bill to be entitled "An act to make it penal to use language, or be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor," was taken up out of its regular order and read second time and ordered engrossed.

Senate bill No. 131, a bill to be entitled "An act to give effect to section 2, article 14 of the Constitution," was taken up out of its regular order, on motion of Senator Hall, and made special order for Monday after morning call.

Senator Jones introduced the following resolution:

Resolved, That a committee of three Senators be appointed to act with a committee of five from the House of Representatives, to solicit from members of both Houses of the Legislature, from the officers of the State, and the citizens generally, a sufficient amount of money to bring the remains of that hero, patriot and statesman—he who was wise in council and heroic in action—Col. F. W. Johnson, from Mexico to the city of Austin, that his remains may be interred in the State cemetery by the side of his compatriots and comrades, the historic and illustrious dead of Texas.

Senator Peacock moved to lay the resolution on the table.

Withdrawn.

Senator Kilgore raised the point of order that the resolution was out of order, as the Senate could not appoint a committee except to pursue legislative duty.

The point of order was sustained.

On motion of Senator Randolph,

The Senate adjourned till 10 o'clock to-morrow morning.